

The Restriction Requirement dated 06/29/2006 included a recitation of six different Groups from which Applicants were required to elect only one for examination. The six Groups recited by the Examiner were as follows:

- I. Claim 17, drawn to composition comprising the compound of claim 16;
- II. Claims 5, drawn to composition identified by the method of claim 2;
- III. Claims 6, drawn to composition identified by the method of claim 2;
- IV. Claims 7, drawn to composition identified by the method of claim 2;
- V. Claims 1-4 and 8-16, drawn to a method for identifying a candidate compound as a compound selected from the group consisting of an inverse agonist a partial agonist and antagonist to an endogenous, constitutively active GPCR fusion protein; and
- VI. Claims 18-19, drawn to a method for modulating G protein coupled orphan receptor by contacting said receptor with compound identified by the method of claim 1.

With regard to the election of a specific orphan GPCR, the Restriction Requirement states the following (see page 4):

There is no description of the definitive structural feature of each GPCR fusion constructs and how it relates to functional. The GPCR fusion constructs contain no conserved regions, which are critical to the structure and function of the genus claimed. The common function of the genus orphan GPCR fusion constructs, which is based upon a common property or critical technical feature of the genus claimed is not disclosed. Accordingly, these claims are subject to restriction under U.S.C 121. Upon election of Groups I-III, Applicants is additionally required to elect an orphan GPCR receptor (GPR3, GPR4, GPR6, GPR12, GPR21, OGRI, GHSR, RE2 and AL022171.), which comprises the GPCR fusion constructs. This requirement is not to be construed as a requirement for election of species, since each of the compounds recited in alternative form is not a member of a single genus of invention, but constitutes an independent and patentably distinct invention. (*underline added; bold in original*)

As clearly seen in the excerpt above (underlined), election of a specific orphan GPCR was necessary only if Applicants elected one of Groups I-III (all of which are Groups of claims directed to compositions). Because Applicants elected Group V in the response filed 12/20/2006 (claims drawn to a method for identifying a candidate compound), an election of a specific orphan GPCR was not required.

Indeed, the Examiner at the time the Response was filed considered Applicants election to be fully responsive.

In view of the above, Applicants respectfully submit that the response filed 12/20/2006 was fully responsive to the Restriction Requirement dated 06/29/2006. As such, Applicants contend that an election of a specific orphan GPCR is not necessary for further prosecution of the subject application.

The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number AREN-005CON.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: April 9, 2010

By: /David C. Scherer, Ph.D., Reg. No. 56,993/
David C. Scherer, Ph.D.
Registration No. 56,993

BOZICEVIC, FIELD & FRANCIS LLP
1900 University Avenue, Suite 200
East Palo Alto, California 94303
Telephone: (650) 327-3400
Facsimile: (650) 327-3231

F:\DOCUMENT\AREN\005CON (5.US10.CON)\Response to Office Comm of 03-09-2010.doc